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SECTION I

SHORT TITLE

These regulations shall be known as the “Subdivision Ordinance” for Fremont, Nebraska.

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SECTION II

JURISDICTION

This ordinance, as adopted by the City Council, is to govern the subdivision of all lands within the City Limits of Fremont, Nebraska, and within two (2) miles adjacent to the City Limits.

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SECTION III

[DEFINITIONS]

When used in this ordinance, certain words are defined as follows: (The word “shall” is mandatory and the word “may” is to be considered permissive.)

Arterial. A street used primarily for high volume of mixed vehicular through traffic.

Block. An area in a subdivision which is completely bounded by streets, highways, parks, railroads or the exterior boundary of a subdivision.

City. The City of Fremont, Nebraska.

Collector Street. Any street which carries traffic from minor streets to the major system of arterial streets, including the principal entrance to a subdivision and the street used for main circulation within the subdivision.

Council. The City Council of Fremont, Nebraska.

Cul-de-sac. A short dead-end street with a vehicular turn-around at one end and an access to a street at the other end.

Easement. A grant by the owner of a strip of land for the general public’s use for a specific purpose. Within the limits of the easement, the owner shall not erect any structures, but shall have the right to make other use of the land subject to the conditions of the easement. Public or Private Utilities shall have the right to trim or remove trees, shrubbery, flowers or any other vegetation or other objects which interfere with the use of said easement.

Engineer. A Registered Engineer authorized to practice Civil Engineering in the State of Nebraska.

Frontage Road. A street built in parallel to an arterial street to allow access to adjoining properties and provide protection from traffic on the arterial street.

Local Street. A street which is not used for through traffic, but only as access for vehicular traffic to individual lots.

Lot. A portion of a subdivision or a parcel of land intended for transfer of ownership or for building development, whether immediate or future.

Performance Bond. A Surety or Cash Deposit made out to the City in the amount of the full cost of the improvements required by this ordinance. The City Engineer shall prepare the estimate. The bond shall be legally sufficient enough to insure to the City that the improvements required will be constructed.

Planning Commission. The Planning Commission of the City of Fremont.

Street. The entire right-of-way between the property lines. Streets shall be dedicated to the public, as a matter of right, for the purpose of vehicular traffic and other uses.

Subdivider or Developer. The person or persons or any group acting as a unit for the purpose of dividing land so as to constitute a subdivision as defined below.

Subdivision. The division of land into four (4) or more parcels for the purpose of transfer of ownership or for building development. The re-subdivision of land which has already been subdivided or the division of any land in which a new street is involved.

Surveyor. A registered land surveyor authorized and licensed to practice surveying in the State of Nebraska.

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SECTION IV

ADMINISTRATION

In planning and developing a subdivision, the subdivider or his agent shall comply with the following rules and regulations:

A. Subdivision Design

1. The minimum requirements for the layout of a subdivision are outlined in Section V and those design principles shall be followed.
2. The provisions of Ordinance No. 2990 shall be included as part of the minimum subdivision requirements of this Ordinance.

B. Tentative Plat

1. To initiate a subdivision, the developer shall file with the Director of Public Works, a Tentative Plat, meeting the requirements of Section VI.
2. The developer shall submit six (6) copies of the Tentative Plat to be distributed to the various City Department Heads, by the Director of Public Works for their review and comment.
3. Within fifteen (15) Working Days of the submission of the Tentative Plat, the Director of Public Works shall set up a meeting between the developer and the various department heads to review the plat.

C. Preliminary Plat

1. After the developer and the City Staff agree on the subdivision layout, the developer may submit a preliminary Plat, meeting the requirements of Section VII.

The developer shall submit fifty (50) copies of the Preliminary Plat to the Director of Public Works, who shall distribute them to the other City Department Heads, the members of the

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Planning Commission and the City Council. The plat shall be submitted at least [twenty (20)] Working Days prior to the Planning Commission Meeting, at which the developer wishes it to be considered.

2. The various City Departments who receive copies of the plat shall submit their comments, relative to the plat, in writing to the Director of Public Works at least five (5) days prior to the Planning Commission Meeting. The Director of Public Works will then summarize the comments and present them in writing to the Planning Commission.
3. The Planning Commission may approve, disapprove, or approve, subject to recommended changes that will be required. The plat will then go to the City Council for official action along with the Planning Commission's recommendation.
4. The City Council shall concur with, or reject the Planning Commission's recommendation.

Approval or conditional approval of the Preliminary Plat shall not qualify the plat for recording but shall be taken as a general approval of the layout of streets, sewers, water, storm sewers, sidewalks, street lighting and lots. Said approval shall be valid for two (2) years from the date of Council approval.

5. After the Preliminary Plat is approved and prior to submission of the Final Plat for approval, the developer shall have a Registered Engineer prepare the final design of the subdivision improvements and submit the Plans and an Estimated Cost of the City Engineer for approval or shall enter into an agreement with the City for the City Engineer to design the improvements. Said agreement shall specify when the design is to be complete. Compensation to the City for the design work shall be 5% of the Total Cost of the Improvements.

D. Final Plat

1. The developer shall submit fifty (50) copies of the proposed Final Plat to the Director of Public Works at least twenty (20) Working Days in advance of the date he wishes it to be considered by the Planning Commission for approval.
2. No Final Plat shall be approved by the Planning Commission unless written approval of the construction plans is received from the City Engineer.
3. A Performance Bond guaranteeing the installation of the improvements within two (2) years of the date of approval of the Final Plat by the City Council may be required to be on file in the office of the City Treasurer prior to submission of the Final Plat to the City Council. The amount of the bond shall be 100% of the Estimated Cost of all the improvements required to be constructed in connection with the area being submitted for Final Platting Approval.
4. Approval of the Final Plat by the Planning Commission and subsequently by the City Council shall constitute acceptance of the dedicated right-of-ways and easements shown on the plat. Upon approval, the plat shall be legally recorded by the developer, and a signed reproducible mylar copy of the plat provided to the City Engineer.

E. Variances

Where the subdivider can show that a provision of these standards would cause unnecessary hardship and where the Planning Commission feels that a departure may be made without destroying the intent of these regulations, it may recommend to the Mayor and Council that a variance be granted. Two-thirds (2/3) of the Planning Commission members present and voting, shall recommend the variance, and its reasons for recommending the variance shall be entered in the official minutes of the meeting.

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SECTION V

SUBDIVISION STANDARDS AND GENERAL REQUIREMENTS

The following standards are intended to be used as a guide in the general arrangement and layout of a subdivision in order to obtain an economical and pleasant neighborhood.

A. Streets

1. Streets shall be arranged so as to connect to already existing streets in adjoining subdivisions and they must also conform to the adopted Master Street Plan.
2. Cul-de-sac Streets shall not exceed [six hundred (600)] feet in length.

B. Blocks

1. No Block shall be longer than [one thousand three hundred twenty (1320)] feet.
2. At the intersection of two (2) streets, block corners shall be rounded with a radius of not less than twenty (20) feet, unless a greater radius is deemed necessary and required by the Civil Engineer.
3. If a block exceeds [nine hundred (900)] feet in length, a 10-foot wide right-of-way for pedestrian-way may be required at about the mid-point of the block.
4. Blocks shall have sufficient width to provide two (2) tiers of lots of the appropriate depth except as noted in paragraph C.5. of this section.

C. Lot Layout

1. In general, lots shall be laid out in a manner which is appropriate to the type of development, provided that they conform to the minimum zoning requirements applicable to the subdivision.
2. Excessive depth in relation to width should be avoided.
3. All lots shall have access to a public street.
4. Corner lots shall be [twelve hundred (1200)] square feet greater in area than the minimum lot area required for the proposed zoning of the subdivision.
5. Double frontage lots shall be avoided, except where a development abuts an arterial street. IN such case, either a frontage road shall be provided or lots shall be faced on a street parallel to the arterial street with the rear of the lot facing the arterial. If a double frontage lot is used, it shall have a minimum depth of [one hundred fifty (150)] feet.
6. Side Lot Lines, where possible, shall be at right angles or radial to the street.
7. In an area where public sanitary sewer is not available within [two hundred (200)] feet, the minimum lot area shall be [twenty thousand (20,000)] square feet, regardless of zoning.

D. Easements

1. A ten (10) foot easement shall be provided on the rear of all lots for utility purposes and a minimum of five (5) foot easement on each side of the lot line where required.

2. If a major drainage easement is required in a subdivision, it shall have a minimum width of forty (40) feet.
3. Easements need not be provided on the rear lot lines if an alley twenty (20) feet in width is dedicated.

E. Monuments

1. Monuments shall be placed at all block corners, point of curves, changes in direction along the lot lines and all lot corners. This shall be done prior to submitting the Final Plat to the Planning Commission.
2. Lot Corner Markers shall be ½ inch metal bar at least [eighteen (18) inches long.
3. Permanent Metal Monuments shall be placed at all angles in the boundary of the land platted, at all intersection of lines of streets, and at the intersection of all lines of streets with the boundaries of the plat.

When there are permanent objects in the vicinity of these monuments, they shall be tied to the monument by a distance and bearing. The monument shall consist of a bar [thirty-six (36)] inches long, not less than ½ inch diameter encased in a concrete cylinder at least [four (4)] inches in diameter. The elevation (based on City Datum), shall be determined for each permanent metal monument set.

4. The surveyor making the plat shall certify that the plat is correct and that the monuments described in it have been placed.

F. Pavement Widths and R.O.W.'s

1. Local streets shall be [thirty-two (32)] feet from back of curb to back of curb, with a minimum right-of-way of [fifty-five (55)] feet, except if a street is adjacent to any R-3, C-2, I-1 or I-2 zoning, it shall be a minimum of [thirty-seven (37)] feet from back of curb to back of curb, with a minimum right-of-way of [sixty-five (65)] feet.
2. Cul-de-sacs shall be a 43.5-foot minimum radius for the paving to the back of curb and the right-of-way shall have a 55-foot minimum radius.
3. Collector streets shall have a right-of-way of [seventy-five (75)] feet and a minimum pavement width of [forty-two (42)] feet from back of curb to back of curb.

G. Intersections

1. Street Jogs at intersections with a center line offset of less than [seventy-five (75)] feet shall be prohibited.
2. When a subdivision front a State or Federal Highway, intersections with that highway shall be at least [six hundred (600)] feet apart.
3. The developer shall provide the Planning Commission and City Council, at the time they consider the Preliminary Plat, a letter from the State of Nebraska stating that they have no objection to the proposed street intersections with the State Route.

Before submission of the Preliminary Plat, the developer shall file, with the Director of Public Works, six (6) copies of the Tentative Plat which shall show the following as a minimum: (per Section V and VIII)

- A. The names of the owner of the tract of land to be subdivided.
- B. The adjacent tracts of land.
- C. The existing topography based on USGS Elevation at one-foot contours.
- D. Existing Utilities.
- E. Existing Land Features (i.e. water channels, flood plain, buildings, etc.)
- F. Present Zoning.
- G. The proposed Street Layout, right-of-ways and easements.
- H. The proposed Lot Layout.
- I. The proposed Utility Layout.

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SECTION VII

PRELIMINARY PLAT

The developer shall submit fifty (50) copies of the Preliminary Plat as provided in Section IV.B., containing the following items:

- A. A vicinity sketch showing all property, streets, and subdivision within [two hundred fifty (250)] feet of the proposed subdivision.
- B. The name of the subdivision, a legend, the legal description of the platted property, a 1" 100' scale drawing of the proposed subdivision, a north arrow, the date, the owner's name, the subdivider and the name of the Registered Engineer or Land Surveyor who laid the subdivision out.
- C. The existing land features, (building, drainage ways, etc.) and the existing topography ([one-foot] contours on U.S.G.S. Datum). Flow lines of adjacent sanitary sewers, elevations of top of curb of all streets adjacent to the platted area.
- D. The proposed improvements, proposed easements and right-of-ways, proposed lot layout and minimum building set-back lines.
- E. The proposed zoning and any protective covenants.

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SECTION VIII

IMPROVEMENT PLANS

A. General

- 1. All improvements required in an for the development shall be constructed by the developer and accepted by the City Engineer and City Council within two (2) years of the approval of the Final Plat.

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2. A Maintenance Bond running to the City shall be required in the amount of 100% of the cost of the improvements for a period of one (1) year following their acceptance by the City.
3. Upon completion of the improvements and as a condition for Final Approval, the developer shall cause all rights and title to the said improvements to be conveyed to the City at no cost to the City.
4. Improvements, which service every lot required under this ordinance shall include, but are not limited to the following: sanitary sewers, storm sewer, water mains, street lighting and streets (excluding intersections).

B. Construction Plans

1. The developer shall have a Registered Engineer prepare complete construction plans and submit them to the City Engineer for approval or enter into an agreement to have the City Engineer design the improvements.
2. Plans submitted for approval shall contain the following:
 - a. Street Plans – Plan and Profile to have at least a horizontal scale of 1" = 50' and a vertical scale of 1" = 2'. Cross-sections to have a horizontal scale of 1" = 5' and vertical scale of 1" = 2'.
 - b. Water, Sanitary Sewer and Storm Sewer Plans shall contain a plan and profile of 1" = 50' horizontal and 1" = 2' vertical.
 - c. Street Lighting Layout.
 - d. Detail Sheet.
 - e. Supporting Calculations for sewer and water sizing, street light spacing and storm sewer sizing.
3. The plans shall be approved by the City Engineer prior to the final plat being submitted to the Planning Commission.
4. All construction required in the subdivision shall be completed within two (2) years from the date of approval unless good cause can be shown for a time extension which may be granted by the City Council.
5. All construction work on public improvements shall meet the current specifications of the Public Works Department.

C. Design Requirements

The following general design principals shall be used for design of improvements:

1. Streets
 - a. Minimum Thickness – [six (6)] inch concrete.
 - b. Minimum Grade – 0.12%.
 - c. Maximum Grad – 7%.
 - d. If the algebraic grade difference at a break in grade exceeds 1%, a minimum of a 100-foot vertical curve shall be used.

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- e. Minimum Centerline Curvature to be [four hundred fifty (450) feet] for Collectors and [two hundred (200) feet] for Local Streets.

2. Sidewalks

Four (4) feet wide and four (4) inches deep on both sides of the street.

3. Sanitary Sewers – Laterals

- a. Minimum Grade – 0.12%.
- b. Peak Flow Design shall be [two hundred fifty (250)] gpcd based on four (4) people per dwelling unit.
- c. Minimum Pipe Size – eight (8) inches.

4. Sanitary Sewers – Trunk Lines

- a. Minimum Grade – 0.12%.
- b. Pipe size shall be based on the flow required for the entire drainage area being served by the main line using the above state peak flow per dwelling. Zoning shall be taken into account.
- c. All sewers shall run in straight lines between manholes.
- d. Maximum Manhole Spacing – [four hundred (400)] feet.

5. Storm Sewers

- a. Minimum Size – [twelve (12)] inches.
- b. Minimum Design Velocity of [two (2)] fps.
- c. Main Sewers shall be designed to serve the entire drainage area as if it is developed at the existing zoning.
- d. Design shall be based on a five-year frequency storm.
- e. All Sewers must run in straight segments from manhole to manhole.
- f. Maximum Manhole Spacing – [four hundred (400)] feet.

6. Water

- a. Minimum size to be six [(6)] inches.
- b. All systems shall be completely looped.
- c. Valves shall be provided at the intersection of mains such that there is a minimum of one [(1)] less valve than number of pipes entering the point of intersections.
- d. Valves shall be spaced such that no more than [twenty-five (25)] homes would be without service at any one time in case of a water main break.
- e. Fire hydrants shall be placed a minimum of every [five hundred (500)] feet.
- f. Provisions shall be made in the subdivision, if required, to extend the City's Main Loop feeding system through the subdivision.

7. Street Lighting

A Street Lighting System consisting of standards, mast arms, luminaries and wiring shall be provided by the developer in accordance with the policies and requirements of the Department of Utilities.

D. Acceptance of Improvements

Upon completion of the improvements required under this ordinance, the City Engineer shall inspect the same for conformance to the Specifications and submit in writing to the City Council his approval of the improvements so that the City Council may accept same for maintenance and operation subject to the developer's one-year maintenance bond.

E. Construction Supervision

The developer shall have a Registered Engineer provide construction staking, inspect the construction of all improvements in the subdivision, certify their compliance with the Plans and Specifications, and provided "As built" drawings (on mylar) to the City Engineer or pay the City of Fremont 2% of the Total Cost of the improvements to provide the above services.

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SECTION IX

FINAL PLAT

The Final Plat shall be prepared and submitted to the Planning Commission for recommendation to the City Council and then for approval of that body. The 100% Performance Bond shall be submitted along with the Final Plat to the City Council. Such plat shall be filed at the office of the Director of Public Works twenty (20) days in advance of the meeting at which recommendation and approval is asked. The final Plat shall be drawn on mylar, not larger than 24" x 36", in India Ink, unless otherwise directed by the Commission, and shall show or be accompanied by the following information:

- A. The name of the subdivision, the names and width of the streets and number of Lots and Blocks, in accordance with a systematic arrangement.
- B. An accurate boundary survey of the property, with bearings and distances, referenced to section corners, and showing (in dotted lines) the lines of all adjacent streets and alleys, with their widths and names.
- C. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and of arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curves to lot lines.
- D. All Building Set Back Lines shall be shown on all lots.
- E. Certificate of Dedication of all streets, public highways, alleys, parks, utility easements and other land intended for public use, signed by the owner or owners, all being duly notarized.
- F. Certification by a licensed land surveyor to the effect that the plan represents a survey made by him, and that all the necessary survey monuments are correctly shown thereon.
- G. Certificates of Approval on the tracing to be filled out by the City Council.
- H. North point, scale and date.

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SECTION X

PENALTIES

Any person, firm, or corporation who shall violate any provision of this ordinance or the regulations authorized herein shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty five dollars (\$25.00) nor more than one-hundred dollars (\$100.00). Each and every day during which a violation occurs shall constitute a separate offense.

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SECTION XI

VALIDITY

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining provisions thereof.

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SECTION XII

EFFECTIVE DATE - PUBLICATION

This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law and shall be published in pamphlet form only.

Above ordinance is amended to include nineteen (19) amendments passed by the City Council on January 9, 1979.